

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

ANGELICA F NEGRON

Claimant

APPEAL NO. 14A-UI-02599-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

NEGRON'S MEXICAN FOOD

Employer

OC: 02/16/14

Claimant: Appellant (2)

Section 96.3(5) – Business Closing Benefits

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated February 27, 2014, reference 01, which denied claimant's request for business closing benefits. After due notice, a hearing was held on March 31, 2014, by telephone conference call. The claimant participated personally. Employer participated by Eva Sadat. The employer informed the administrative law judge that it had written a letter to agency confirming that Negron's Mexican Food was no longer in business.

ISSUE:

Whether the claimant is eligible to have her monetary determination recalculated due to business closing?

FINDINGS OF FACT:

The administrative law judge, having considered all of the evidence in the record, makes the following findings of fact:

Negron's Mexican Food, the employer in this case, is no longer in business. The owner became seriously ill and is moving to California to live with her sisters.

REASONING AND CONCLUSIONS OF LAW:

The law provides that if a claimant has been laid off due to her employer going out of business, the claimant's account is credited with one-half instead of one-third of the wages for insured work. Iowa Code section 96.3-5, 871 IAC 24.29(1).

Going out of business means any factory, establishment, or other premises of an employer that closes its door and ceases to function as a businesses; however, an employer is not considered to have gone out of business at the factory, establishment, or other premises in any case in which the employer sells or otherwise transfers the business to another employer, and the successor employer continues to operate the business. 871 IAC 24.29(2).

The claimant is entitled to have her benefits be re-determined as a business closing. The facts establish the employer closed its doors and ceases to function as a business.

DECISION:

The decision of the representative dated February 27, 2014, reference 01, is reversed. The claimant is eligible to have her monetary determination recalculated due to business closing.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs